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NOTICE OF ALLOWANCE AND FEE(S) DUE

51576

7590

11/13/2008

EMC CORPORATION c/o DALY, CROWLEY, MOFFORD & DURKEE, LLP 354ATURNPIKE STREET SUITE 301A CANTON. MA 02021-2714

EXAMINER				
PATEL, HARESH N				
ART UNIT	PAPER NUMBER			

2454 DATE MAILED: 11/13/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812.509	03/30/2004	Lee W. Sapiro	EMC-042PUS	3249

TITLE OF INVENTION: SYSTEM AND METHOD OF PROVIDING PERFORMANCE INFORMATION FOR A COMMUNICATION NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/13/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where ar in m

appropriate. All further indicated unless correct maintenance fee notifica	correspondence includir ed below or directed oth	ng the Patent, advance herwise in Block 1, by	orders and notification of (a) specifying a new corre	maintenance fees espondence address	will be ; and/o	mailed to the current r (b) indicating a sepa	correspondence address as rate "FEE ADDRESS" for
	ENCE ADDRESS (Note: Use BI	Fe pa	e(s) Transmittal. Th pers. Each addition:	is certi al paper	ficate cannot be used for	r domestic mailings of the or any other accompanying nt or formal drawing, must	
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354ATURNPIK	OWLEY, MOFFOR	D & DURKEE, LI	I h LP Str adı tra	ereby certify that the	nis Fee(e of Mailing or Transus, Special Transmittal is being efficient postage for firs ISSUE FEE address (1) 273-2885, on the day	deposited with the United t class mail in an envelope above, or being facsimile ate indicated below.
SUITE 301A CANTON, MA	02021-2714						(Depositor's name)
,,							(Signature)
							(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTO	R	ATTC	DRNEY DOCKET NO.	CONFIRMATION NO.
10/812,509	03/30/2004	•	Lee W. Sapiro			EMC-042PUS	3249
TITLE OF INVENTION	I: SYSTEM AND METH	HOD OF PROVIDING	PERFORMANCE INFORM	MATION FOR A C	OMMU	INICATION NETWOR	RK
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSU	E FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0		\$1810	02/13/2009
EXAM	IINER	ART UNIT	CLASS-SUBCLASS				
PATEL, H	IARESH N	2454	709-224000				
 Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. 			registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.				
PLEASE NOTE: Un recordation as set fort (A) NAME OF ASSI	less an assignee is ident h in 37 CFR 3.11. Comp GNEE	ified below, no assign pletion of this form is N	N THE PATENT (print or ty ee data will appear on the NOT a substitute for filing an (B) RESIDENCE: (CIT	patent. If an assign assignment. Y and STATE OR	COUNT	TRY)	
Please check the appropr	riate assignee category or	categories (will not be	printed on the patent):	┛Individual C	orporat	ion or other private gro	oup entity Government
4a. The following fee(s) are submitted: ☐ Issue Fee ☐ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies			 4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) □ A check is enclosed. □ Payment by credit card. Form PTO-2038 is attached. □ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form). 				
5. Change in Entity Sta	itus (from status indicated as SMALL ENTITY statu	· · · · · · · · · · · · · · · · · · ·	b. Applicant is no lo	nger claiming SMA	LL EN	TITY status. See 37 CF	FR 1.27(g)(2).
NOTE: The Issue Fee an interest as shown by the	d Publication Fee (if req records of the United Sta	uired) will not be accepttes Patent and Tradema	oted from anyone other than				
Authorized Signature				Date			
Typed or printed name							
This collection of inform an application. Confiden submitting the complete this form and/or suggest Box 1450, Alexandria, V Alexandria, Virginia 223	tiality is governed by 35 dapplication form to the ions for reducing this bu. Virginia 22313-1450. DC	CFR 1.311. The information of U.S.C. 122 and 37 CFE USPTO. Time will varden, should be sent to D NOT SEND FEES O	ation is required to obtain or FR 1.14. This collection is e ary depending upon the ind the Chief Information Offic R COMPLETED FORMS	retain a benefit by stimated to take 12 ividual case. Any c cer, U.S. Patent and TO THIS ADDRES	the pub minute ommen Trader S. SEN	lic which is to file (and s to complete, includin ts on the amount of tir mark Office, U.S. Depa D TO: Commissioner f	by the USPTO to process) g gathering, preparing, and me you require to complete artment of Commerce, P.O. for Patents, P.O. Box 1450,

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

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10/812,509	10/812,509 03/30/2004 Lee W. Sapiro		EMC-042PUS	3249
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EMC CORPORA	ATION	PATEL, HARESH N		
c/o DALY, CROWLEY, MOFFORD & DURKEE, LLP 354ATURNPIKE STREET SUITE 301A CANTON, MA 02021-2714			ART UNIT PAPER NUMBER	
			2454 DATE MAILED: 11/13/200	8

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 888 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 888 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 (571)-272-4200.

	Application No.	Applicant(s)	
	Application No.	Applicant(s)	
Notice of Allowability	10/812,509	SAPIRO ET AL.	
Notice of Allowability	Examiner	Art Unit	
	HARESH N. PATEL	2454	
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commu (IGHTS. This application is so	this application. If not included nication will be mailed in due cours	se. THIS
1. ☑ This communication is responsive to <u>10/17/2008</u> .			
2. X The allowed claim(s) is/are <u>1-12,14,16,18-26,30-38 and 42</u>	<u>2</u> .		
 Acknowledgment is made of a claim for foreign priority u All b) Some* c) None of the: Certified copies of the priority documents have Certified copies of the priority documents have Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	e been received. e been received in Application	n No	rom the
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the requirer	nents
 A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which giv 			E OF
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.		
(a) I including changes required by the Notice of Draftspers	son's Patent Drawing Review	(PTO-948) attached	
1) 🔲 hereto or 2) 🔲 to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner' Paper No./Mail Date	's Amendment / Comment or	in the Office action of	
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the			i) of
 DEPOSIT OF and/or INFORMATION about the depo- attached Examiner's comment regarding REQUIREMENT 			:he
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5 Notice of Inf	ormal Patent Application	
 Notice of References Cited (FTO-092) Dotice of Draftperson's Patent Drawing Review (PTO-948) 		mmary (PTO-413),	
	Paper No./N	Mail Date	
 Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>10/17/2008</u>, <u>7/30/2004</u> (Corrected) 	7. ∐ Examiner's <i>i</i>	Amendment/Comment	
4. Examiner's Comment Regarding Requirement for Deposit	8. 🔲 Examiner's S	Statement of Reasons for Allowand	е
of Biological Material	9. ☑ Other <u>See C</u>	Continuation Sheet.	
/Haresh N. Patel/			
Primary Examiner, Art Unit 2454			

Continuation of Attachment(s) 9. Other: The amendment to the title dated 5/27/2008 is acknowledged.